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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,774	03/09/2000	Yoshiaki Tanaka	0102/0105	3812

21395 7590 11/21/2003

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EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/521,774

Applicant(s)

TANAKA ET AL.

Examiner

Bob Chevalier

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by the submitted prior art of Tanaka et al (D.N.11-7722).

Tanaka et al discloses a disk recording/reproducing apparatus that shows all the limitations recited in claims 1, 3, including the feature of main signal recording area storing first information representing plural tunes (See the paragraph entitled "SOLUTION", line 2, of Tanaka et al), the feature of the second information including playback control information for separating the tunes into groups and implementing playback of the tunes group by group (See the paragraph entitled "SOLUTION", lines 7-11, of Tanaka et al), the feature of the third information including interactive data for permitting an access to the first information of the tunes group by group as specified in the present claims 1,3. (See the paragraph entitled "SOLUTION", lines 10-11, of Tanaka et al).

With regard to claim 2, the feature of the DVD wherein the total number of the groups being in a range from 2 to 9 as specified thereof would be present in Tanaka et al. (See the capability of dividing the musical pieces into groups as shown in the paragraph entitled "SOLUTION", line 9, of Tanaka et al).

With regard to claims 4-8, the feature of deciding that the input interactive data are equal to the original interactive data, reproducing the portion of the first information and executing playback of the tune in the at least one of the groups in response to the playback control information as specified thereof is present in Tanaka et al. (See the paragraph entitled "SOLUTION", lines 10-15, of Tanaka et al).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the submitted prior art of Tanaka et al (D.N. 11-7722) in view of Otomo et al.

Tanaka et al discloses a video/audio disk apparatus that shows substantially the same limitations recited in claims 14, 18, 9-11, including the feature of first, second, and the third information being stored on the main-signal recording area as specified in the present claims 14, 18, 9-11. (See the above rejection of claim 1).

Tanaka et al fails to specifically disclose the feature of the pointers for searches for the audio titles, the audio categories indicating which groups the audio tile belongs to, and furthermore, the feature of the information representing menus of the respective groups and the capability of reproducing said menus as specified in the present claims 14, 18, 9-11.

Otomo et al discloses a video/audio disk apparatus that shows the feature of the pointers for searches for the audio titles, the audio categories indicating which groups the audio tile belongs to, and furthermore, the feature of the information representing menus of the respective groups and the capability of reproducing said menus as specified in the present claims 14, 18, 9-11. (See Otomo et al's Figure 17, component 7110).

It would have been obvious to one skilled in the art to modify the Tanaka et al's apparatus wherein the recording medium provided would incorporate the capability of having recorded thereon the feature of the pointers for searches for the audio titles, the audio categories indicating which groups the audio tile belongs to, and furthermore, the feature of the information representing menus of the respective groups and the capability of reproducing said menus in the same conventional manner as shown by

Otomo et al. The motivation is to have a better control for accessing and reproduction of the recorded audio data as suggested by Otomo et al.

With regard to claims 12-13, 17, the feature of the means for permitting playback of the bonus tunes when an input password equal to the original password as specified thereof would be inherently present in the proposed combination of Tanaka et al and Otomo et al indicated above. Since Tanaka et al discloses that input interactive data must coincide with transmitted interactive data for reproduction purposes.

With regard to claim 15, the feature of the DVD as specified thereof is present in the proposed combination indicated above. (See both the Tanaka et al and the Otomo et al's references).

With regard to claims 16, 19-22, the feature of deciding that the input interactive data are equal to the original interactive data, accessing the audio titles in response to the pointers and implementing playback of the bonus information as specified thereof is present in the proposed combination of Tanaka et al and Otomo et al indicated above. (See the paragraph entitled "SOLUTION", lines 10-15, of Tanaka et al and further, see Otomo et al's Figure 17, component 7110).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mori et al discloses a video/audio disk recording/reproducing apparatus including audio titles pointers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

B. Chevalier  
November 16, 2003.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER